



## U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 18, 2020

**BY ECF**

The Honorable Sidney H. Stein  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**MEMO ENDORSED**

**Re:    *United States v. Jason Rhodes, 18 Cr. 887 (SHS)***

Dear Judge Stein:

The Government respectfully requests that the Court adjourn sentencing in the above-referenced case, currently set for September 29, 2020, to allow the parties time to attempt to resolve factual issues that may be relevant to sentencing and thereby avoid the need for a *Fatico* hearing. On September 16, 2020, the defense filed a sentencing submission seeking a *Fatico* hearing as to loss amount (Dkt. 110). The defense submission also raises other factual issues relating to Rhodes's knowledge and intent as relevant to the scheme. The parties have engaged regarding these issues in an attempt to resolve them prior to sentencing. Even if the parties are unable to fully resolve factual disputes, further discussion will help to clarify the disputed facts and facilitate a more streamlined and efficient *Fatico* hearing.

The parties therefore jointly request that the Court adjourn sentencing *sine die* and allow the parties to file, by four weeks from today, October 16, 2020, a joint letter stating whether a *Fatico* hearing is needed and, if so, identifying the specific factual issues in dispute and—after consulting with your Honor's deputy clerk as to the Court's availability—proposing a date for such a hearing. Obviously, if no *Fatico* hearing is necessary, the parties will be prepared to proceed to sentencing.

Respectfully submitted,

AUDREY STRAUSS  
Acting United States Attorney

By: \_\_\_\_\_ /s/

Jared Lenow / Elisha J. Kobre  
Assistant United States Attorneys  
(212) 637- 1068 / -2599

cc: All counsel of record (by ECF)

**Application granted.**

**Dated: New York, New York  
September 18, 2020**

SO ORDERED  
  
 SIDNEY H. STEIN  
 U.S.D.J.